

10/653,822

Remarks/arguments:

In response to the office action of June 3, 2004, claims 1-17 have been amended. In addition, new claim 18 is presented.

The examiner has objected to the drawings, stating that they must show every feature set forth in the claims. He further states that the subject matter of claim 5 is not illustrated. Claim 5 recites: "The application apparatus (10) according to claim 4, wherein at least one of the first receptacle (24) and the second receptacle (26) includes an insert (28) operable to be seated in the socket (16)." It can be seen from FIG. 2 that the first receptacle (24) includes an insert (28) operable to be seated in the socket (16). Perhaps the examiner overlooked the words --at least one--. Accordingly, the examiner is respectfully requested to withdraw this grounds of objection.

The examiner has next objected to claims 2-17, apparently on the basis of 35 U.S.C. 112. By the present amendment it is believed that all grounds for objection have been overcome. Accordingly, the examiner is respectfully requested to withdraw this objection.

The examiner next rejects claims 1-5 and 11 under 35 U.S.C. 102(b) as anticipated by Naughton. Claim 1 has been amended and now sets forth "an elongated applicator (14) having a gripping end (44) and a working end (38), the working end being provided with coating of a first component of the substance to be applied; and a base body (12) having a first receptacle (24) operable to retain therein a fluid (30) which is a second component of the substance to be applied, and a second receptacle (26) supported on the base body (12) next to the first receptacle (24) and having an access aperture, the second receptacle (26) being operable to receive therein the working end (38) of the substance transfer element (42) during stockage of the application apparatus (10) prior to its substance applying use." Thus it is a feature of this invention that the working end of the applicator be provided with a first component of the substance to be applied. When the applicator is removed from its receptacle 26 and placed in the receptacle 24, which already has a second component of the substance to be applied, the two components will be mixed to form the substance to be applied.

The cited reference to Naughton clearly does not show the above feature of this invention. Thus, Naughton only discloses a swab dispenser with a fluid reservoir. Clearly his swabs, which the examiner equates to applicants elongated applicator, do not have a working end provided with a coating of a first component of the substance to be applied. In that Naughton clearly does not disclose what is now set forth in claims, the examiner should

withdraw this grounds of rejection and allow claims 1-5 and 11 in the absence of more relevant prior art.

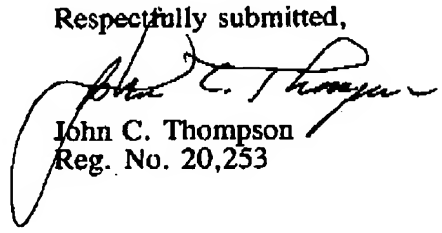
The examiner next rejects claims 1 and 14 under 35 U.S.C. 102(b) as anticipated by Maletz. The examiner in this rejection states that the elongated applicator of Maletz has a working end provided with a coating. This feature is not shown in the drawings, nor is it believed to be in the text. Thus, this feature would be contrary to what is illustrated. In FIG. 11 an applicator is shown positioned above a packet 2 containing a first substance, the packet being located above a reservoir containing a second substance. In FIGS. 13 and 14, the applicator is shown breaking through the packet 2 to cause the first substance to be mixed with the second substance. Therefore, there would be no reason for the applicator to have coating of the first substance on the working end. Accordingly, as the prior art reference does not teach the subject matter of claim 1 and 14, the examiner is respectfully requested to withdraw this grounds of rejection.

The examiner next rejects claims 1-7 and 9-17 as unpatentable over Maletz in view of Dodge, and claim 8 as unpatentable over Maletz and Dodge and further in view of Brownstein. The additional secondary references clearly do not overcome the deficiencies of the primary reference to Maletz. Accordingly this grounds of rejection should be withdrawn, and the claims should be allowed.

Newly presented claim 18 is directed to the feature of having the elongated applicator provided with a widened element and a neck (40) located between the gripping end (44) and the working end (38), the neck having an outer diameter which fits exactly flush in the second receptacle (26) and which, upon insertion of the applicator (14) into the second receptacle (26), cooperates with the widened element (36) to seal off the upper end of the second receptacle (26). This feature is not taught by the prior art, and accordingly this additional claim is deemed to be allowable. Furthermore, as this claim depends from claim 1, it should also be allowed for the reasons advanced above.

In that all claims are deemed to be allowable for the reasons set forth above, the allowance of this application is respectfully requested.

Respectfully submitted,



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